#### 特許協力条約



#### 国際予備審查報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

| REC'D | 03 | FEB | 2004 |
|-------|----|-----|------|
| WIP   | 5  |     | PCT  |

電話番号 03-3581-1101 内線 3492

| 出願人又は代理人<br>の書類記号 ONF-4505PCT   | 今後の手続きについては、国際予備審査報告の送付通知(様式PCT/<br>IPEA/416)を参照すること。  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|
| 国際出願番号<br>PCT/JP03/02478 国際出願日<br>(日.月.年) 04.03.2003 優先日<br>(日.月.年) 05.03.200   |  |  |  |  |  |  |  |
|   | 国際特許分類 (IPC) Int. Cl' C07D207/27, 409/06, 417/06, 417/12, 413/06, 263/24, 405/12, 409/12, 405/06, A61K31/4015, 3 1/4025, 31/421, 31/422, A61P1/00, 1/16, 7/00, 9/00, 9/08, 9/10, 9/12, 11/00, 11/06, 11/08, 13/12, 15/06, 15/10, |  |  |  |  |  |  |
| 出願人 (氏名又は名称)<br>小野薬品工業  | 出願人(氏名又は名称)<br>小野薬品工業株式会社  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |
| 1. 国際予備審査機関が作成したこの  | 国際予備審査報告を法施行規則第57条(PCT36条)の規定に従い送付する。  |  |  |  |  |  |  |
| 2. この国際予備審査報告は、この表紙   | 紙を含めて全部で <u>6</u> ページからなる。   |  |  |  |  |  |  |
| この国際予備審査報告には、附属書類、つまり補正されて、この報告の基礎とされた及び/又はこの国際予備審査機関に対してした訂正を含む明細書、請求の範囲及び/又は図面も添付されている。     (PCT規則70.16及びPCT実施細則第607号参照) この附属書類は、全部で  ページである。 |  |  |  |  |  |  |  |
| 3. この国際予備審査報告は、次の内容   | 容を含む。  |  |  |  |  |  |  |
| I X 国際予備審査報告の基礎   |  |  |  |  |  |  |  |
| II 優先権  |  |  |  |  |  |  |  |
| II X 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成  |  |  |  |  |  |  |  |
| IV  |  |  |  |  |  |  |  |
| V X PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付ける   |  |  |  |  |  |  |  |
| の文献及び説明<br>VI X ある種の引用文献  |  |  |  |  |  |  |  |
| VII 国際出願の不備   |  |  |  |  |  |  |  |
| VII 国際出願に対する意見  |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |
|   |  |  |  |  |  |  |  |
| 国際予備審査の請求書を受理した日 08.09.2003   | 国際予備審査報告を作成した日 14.01.2004  |  |  |  |  |  |  |
| 名称及びあて先   | 特許庁審査官(権限のある職員) 4P 8615  |  |  |  |  |  |  |
| 日本国特許庁(IPEA/JP)<br>郵便番号100-8915<br>東京都千代田区設が関三丁目44  | 内藤伸一印  |  |  |  |  |  |  |

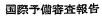


#### 国際予備審查報告

#### 国際出願番号 PCT/JP03/02478

| I. 🖺 | 国際予備審査報  | <b>设告の基礎</b>   |  |  |                            |
|------|--|--|--|--|----------------------------|
| Fi   | この国際予備報<br>な答するために<br>PCT規則70.   | に提出された差し替え用紙は、                                       | ういて作成され<br>この報告書にお   | った。 (法第6条 (PCT14条) 0<br>さいて「出願時」とし、本報告書に「            | の規定に基づく命令に<br>は添付しない。      |
| X    | 出願時の国際   | <b>発出願書類</b>   |  |  |                            |
|      | 明細醬<br>明細醬<br>明細書  | 第<br>第<br>第  | _ページ、<br>_ ページ、<br>_ ページ、<br>_ ページ、  | 出願時に提出されたもの<br>国際予備審査の請求書と共に提出:<br>付の書簡。             | されたもの<br>と共に提出されたもの        |
|      | 請求の範囲<br>請求の範囲<br>請求の範囲  | 第  |  | 出願時に提出されたもの<br>PCT19条の規定に基づき補正<br>国際予備審査の請求書と共に提出    |                            |
|      | 請求の範囲<br>図面<br>図面<br>図面  | 第  |  | 出願時に提出されたもの<br>国際予備審査の請求書と共に提出                       |                            |
|      | 明細書の配列   | 列表の部分 第<br>列表の部分 第<br>列表の部分 第                        | ページ、<br>ページ、<br>ページ、<br>ページ、   | 出願時に提出されたもの<br>国際予備審査の請求書と共に提出<br>付の書簡               | されたもの<br>と共に提出されたもの        |
| 2    | 上記の出願書類  | 質の言語は、下記に示す場合を                                       | ≿除くほか、この   | の国際出願の官語である。   |                            |
| _    | 上記の書類は、  | 下記の言語である   | 語であ  | <b>ర</b> .   |                            |
|      | ☐ PCT規   | のために提出されたPCT規<br>1則48.3(b)にいう国際公開の記<br>審査のために提出されたPC | 言語   |  |                            |
| 3.   | この国際出願に  | は、ヌクレオチド又はアミノ酢                                       | <b>食配列を含んで</b>   | おり、次の配列表に基づき国際予備                                     | 審査報告を行った。                  |
|      | <ul><li>□ この国際</li><li>□ 出願後に</li><li>□ 出願後に</li><li>□ 出願後に</li><li>□ 書の提出</li></ul> | 提出した書面による配列表が<br>があった<br>る配列表に記載した配列と磁               | イスクによる酢<br>調査)機関に抵<br>調査)機関に抵<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・<br>・ |  | 質を含まない旨の陳述                 |
|      | 補正により、<br>明細啓<br>請求の範囲<br>図面   | 下記の沓類が削除された。<br>第<br>第<br>図面の第                       | 項  | ·<br>ジ/図   |                            |
| 5.   | れるので、一   | 備審査報告は、補充欄に示した<br>その補正がされなかったもの。<br>ける判断の際に考慮しなけれん   | として作成した  | が出願時における開示の範囲を越え<br>。(PCT規則70.2(c) この補正を<br>告に添付する。) | .てされたものと認めら<br>:含む差し替え用紙は上 |
|      | ,  |  |  |  |                            |





#### 国際出願番号 PCT/JP03/02478

| ш. | 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成   |
|----|---|
| 1. | 次に関して、当該請求の範囲に記載されている発明の新規性、進歩性又は産業上の利用可能性につき、次の理由により<br>審査しない。   |
|    |   |
| x  | 請求の範囲 1-20  |
| E. |   |
| 理由 | 1:  |
|    | この国際出願又は請求の範囲 は、国際予備審査をすることを要しない<br>次の事項を内容としている(具体的に記載すること)。   |
|    |   |
|    |   |
|    |   |
|    |   |
|    |   |
|    |   |
|    | •   |
| X  | 明細書、請求の範囲若しくは図面(次に示す部分)又は請求の範囲 <u>1-20</u> の記載が、不明確であるため、見解を示すことができない(具体的に記載すること)。  |
|    | 請求の範囲1-20に係る発明は、一般式(I)で表される化合物又はそれを有効成分とする医薬組成物の発明であるが、同化合物は、極めて広範囲かつ多彩な化合物を包含し、しかも、除く部分が複雑に入り組んでおり、そのすべてについて、完全な調査を行うことは困難である。一方、特許協力条約第6条の意味において明細書に裏付けられ、また、特許協力条約第5条の意味において明細書に開示されているものは、同化合 |
|    | 物の中のごく一部分に過ぎない。<br>したがって、請求の範囲1-20及び明細書は、有意義な国際調査をすることができ   |
|    | る程度まで所定の要件を満たしていない。<br>そこで、先の国際調査報告では、請求の範囲1-20の発明について、明細書に具体<br>的に記載された化合物に基づいて、合理的な負担の範囲内で、先行技術文献調査を行っ<br>たので、この調査の範囲で、国際予備審査を行うこととする。  |
|    |   |
|    | •   |
|    | 全部の請求の範囲又は請求の範囲<br>裏付けを欠くため、見解を示すことができない。   |
|    |   |
|    | 請求の範囲 について、国際調査報告が作成されていない。   |
| 2. | ヌクレオチド又はアミノ酸の配列表が実施細則の附属書C (塩基配列又はアミノ酸配列を含む明細書等の作成のためのガイドライン) に定める基準を満たしていないので、有効な国際予備審査をすることができない。   |
|    | □ 書面による配列表が提出されていない又は所定の基準を満たしていない。   |
|    | □ 磁気ディスクによる配列表が提出されていない又は所定の基準を満たしていない。   |



#### 国際予備審查報告

国際出願番号 PCT/JP03/02478

| 四 <b>以</b> 了佣 <b>在</b> 重拟行 ,   | 四际山観番号 PC1/JP03/02478   |
|--|---|
| V. 新規性、進歩性又は産業上の利用可能性について<br>文献及び説明                                    | の法第12条 (PCT35条(2)) に定める見解、それを裏付ける   |
| 1. 見解  |   |
|  | 請求の範囲     18-20     有       請求の範囲     1-17     無  |
|  | 請求の範囲     有       請求の範囲     1-20  |
|  | 請求の範囲     1-20     有       請求の範囲     無  |
| 2. 文献及び脱明 (PCT規則70.7)  | 1   |
| 文献1) EP 471201 A<br>2) JP 2001-233<br>3) JP 2001-220<br>4) JP 2001-181 | 792 A<br>357 A  |
| を有さない。文献2-4には、プロス<br>  として有用な種々のアザプロスタグラ                               | 調査報告で引用された文献1により新規性を有に該当する化合物が記載されている。<br>調査報告で引用された文献2-4により進歩性<br>タグランジンE2やE4に選択的なアゴニストンジン誘導体が記載されており、本願発明化合似するものであって、当業者が文献2-4の記ある。 |
|  |   |
|  |   |



#### 国際予備審査報告

国際出願番号 PCT/JP03/02478

| VI. | あ | る | 租 | の | 引 | 用文献 |
|-----|---|---|---|---|---|-----|
|-----|---|---|---|---|---|-----|

#### 1. ある種の公表された文書 (PCT規則70.10)

| 出願番号<br>———————————————————————————————————— | 公知日<br>(日.月.年) | 出願日<br>(日.月.年) | 優先日(有効な優先権の主張)<br>(日.月.年) |
|--|----------------|----------------|---------------------------|
| WO 03/009872 A EX                            | 06. 02. 2003   | 22. 07. 2002   | 23. 07. 2001              |
| WO 03/008377 A<br>EX                         | 30. 01. 2003   | 08. 07. 2002   | 16. 07. 2001              |
| WO 02/42268 A<br>EX                          | 30. 05. 2002   | 05. 11. 2001   | 27. 11. 2000              |
| WO 03/007941 A<br>EX                         | 30. 01. 2003   | 11. 07. 2002   | 16. 07. 2001              |
| WO 02/24647 A<br>EA                          | 28. 03. 2002   | 20. 09. 2001   | 21. 09. 2000              |
|  |                |                |                           |

#### 2. 専面による開示以外の開示 (PCT規則70.9)

 書面による開示以外の開示の租類
 書面による開示以外の開示の日付
 書面の日付(日.月.年)



#### 国際予備審查報告

国際出願番号 PCT/JP03/02478

補充欄(いずれかの欄の大きさが足りない場合に使用すること)

第 欄の続き

国際特許分類(IPC)の続き

19/02, 19/08, 19/10, 25/00, 27/02, 29/00, 35/00, 37/02, 43/00

様式PCT/IPEA/409 (補充欄) (1998年7月)

PATENT COOPERATION TREATY



# Translation

### **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

| Rule 70)   |   |
|--|---|
| SeeNotificationofTransmittalofInternational Pr   | eliminary   |
| Examination Report (Form 1 CV/2)   |   |
| 1. 2002 (05 03)  | 2002)   |
| 2, 409/12, 405/06, A61K31/4015, 31/4025<br>10, 9/12, 11/00, 11/06, 11/08, 13/12, 15/06   | , 15/10,  |
| AL CO., LTD.   |   |
| s of the description, claims and/or drawings who nataining rectifications made before this Authornder the PCT).  s.  by elty, inventive step and industrial applicability applicability applicability applicability applicability. | ich have been<br>ority (see Rule  |
| Date of completion of this report  |   |
| 14 January 2004 (14.01.2   | :004)   |
| Authorized officer   |   |
| l  |   |
|  | SeeNotificationofTransmittalofInternational Pr Examination Report (Form PCT/IPEA/416)  nonth/year) 3.2003)  Priority date (day/month/year) 05 March 2002 (05.03.  2, 409/12, 405/06, A61K31/4015, 31/4025, 10, 9/12, 11/00, 11/06, 11/08, 13/12, 15/06  AL CO., LTD.  The description of the description of this Authounder the PCT).  The description of this report of the description of this report 14 January 2004 (14.01.2) |



Internationa pation No.
PCT/JP2003/002478

| 1. With regard to the elements of the international application:  the international application as originally filed the description: pages   |
|--|
| the description: pages p |
| pages  |
| pages  |
| pages  |
| the claims: pages  |
| the claims: pages  |
| pages  |
| pages  |
| pages  |
| the drawings:  pages  pages  pages  , filed with the letter of  the sequence listing part of the description:  pages  pag |
| pages  |
| pages  |
| the sequence listing part of the description:  pages p |
| the sequence listing part of the description:  pages p |
| pages  |
| pages  |
| pages  |
| 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the following language which is the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of publication of the international application (under Rule 48.3(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| the international application was filed, unless otherwise indicated inder dust letter.  These elements were available or furnished to this Authority in the following language which is the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  the language of publication of the international application (under Rule 48.3(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and or 55.3).  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| the language of publication of the international application (under Rule 48.3(b)).  the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and or 55.3).  3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the   |
| the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and or 55.3).  3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:    contained in the international application in written form.   filed together with the international application in computer readable form.   furnished subsequently to this Authority in written form.   The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| or 55.3).  3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the   |
| preliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the   |
| The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the  |
| international application as filed has been furnished.   |
| The statement that the information recorded in computer readable form is identical to the written sequence listing habeen furnished.   |
| 4. The amendments have resulted in the cancellation of:  |
| the description, pages   |
| the claims, Nos.   |
| the drawings, sheets/fig   |
| This report has been established as if (some of) the amendments had not been made, since they have been considered to g beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**   |
| * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.1 and 70.17).  |
| *** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.  |

| Internationa | çation No.  |
|--------------|-------------|
| PCT/J        | P2003/00247 |

| ш.   | Non-e        | stablishment of opinion with regard to novelty, inventive step and industrial applicability   |
|------|--------------|---|
| 1. i | The quadrate | destions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be ially applicable have not been examined in respect of:   |
| [    |              | the entire international application.   |
|      | $\boxtimes$  | claims Nos  |
| ŧ    | oecaus       |   |
|      |              | the said international application, or the said claims Nos relate to the following subject matter which does not require an international preliminary examination (specify):  |
|      |              |   |
|      |              |   |
| ŀ    |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      | $\boxtimes$  | the description, claims or drawings (indicate particular elements below) or said claims Nos. 1-20   |
|      |              | are so unclear that no meaningful opinion could be formed (specify):  EE SUPPLEMENTAL SHEET   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              |   |
|      |              | the claims, or said claims Nos.   |
|      |              | by the description that no meaningful opinion could be formed.  |
|      |              | no international search report has been established for said claims Nos   |
| 2.   | A me         | aningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acidence listing to comply with the standard provided for in Annex C of the Administrative Instructions: |
|      |              | the written form has not been furnished or does not comply with the standard.   |
|      |              | the computer readable form has not been furnished or does not comply with the standard.   |
| 1    |              |   |

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III. 1

The inventions set forth in claims 1-20 are inventions of compounds represented by general formula (I) or medicinal compositions containing the same as an active ingredient. However, these compounds encompass an exceedingly broad range of varied compounds. Moreover, the exceptions are also complex, and it would be difficult to perform a complete search for all of these. In addition, only a small portion of these compounds are supported by the description in the sense of PCT Article 6 and disclosed in the description in the sense of PCT Article 5.

Therefore, claims 1-20 and the description do not satisfy the conditions necessary to enable a meaningful international search.

Accordingly, for the earlier international search report, a search of the prior art literature was performed within the scope of reasonable responsibility, with reference to compounds specifically disclosed in the description, and an international preliminary examination has been carried out within the scope of this search.

| v. | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; |
|----|--|
|    | citations and explanations supporting such statement   |

| Statement                     |        |       |       |
|-------------------------------|--------|-------|-------|
| Novelty (N)                   | Claims | 18-20 | YES   |
|                               | Claims | 1-17  | NO NO |
| Inventive step (IS)           | Claims |       | YES   |
|                               | Claims | 1-20  | NO    |
| Industrial applicability (IA) | Claims | 1-20  | YES   |
|                               | Claims |       | NO    |

#### 2. Citations and explanations

Document 1: EP 471201 A

Document 2: JP 2001-233792 A
Document 3: JP 2001-220357 A
Document 4: JP 2001-181210 A

The inventions set forth in claims 1-17 are not novel over document 1, cited in the international search report. Document 1 discloses compounds which fall within the scope of the compounds described in these inventions in the present application.

The inventions set forth in claims 1-20 do not involve an inventive step in the light of documents 2-4, cited in the international search report. Documents 2-4 disclose various azaprostaglandin derivatives useful as selective agonists for prostaglandin E2 and/or E4, and the compounds disclosed in the inventions in the present application are analogous in chemical structure to these derivatives and could be derived easily by a person skilled in the art with reference to the disclosures in documents 2-4.

#### VI. Certain documents cited

| Application No. Patent No. | Publication date (day/month/year) | Filing date (day/month/year)   | Priority date (valid claim) (day/month/year) |
|----------------------------|-----------------------------------|--------------------------------|--|
| WO 03/009872 A EX          | 06 February 2003 (06.02.2003)     | 22 July 2002 (22.07.2002)      | 23 July 2001 (23.07.2001)                    |
| WO 03/008377 AEX           | 30 January 2003 (30.01.2003)      | 08 July 2002 (08.07.2002)      | 16 July 2001 (16.07.2001)                    |
| WO 02/42268 AEX            | 30 May 2002 (30.05.2002)          | 05 November 2001 (05.11.2001)  | 27 November 2000 (27.11.2000)                |
| WO 03/007941 A EX          | 30 January 2003 (30.01.2003)      | 11 July 2002 (11.07.2002)      | 16 July 2001 (16.07.2001)                    |
| WO 02/24647 A EA           | 28 March 2002 (28.03.2002)        | 20 September 2001 (20.09.2001) | 21 September 2000 (21.09.2000)               |

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure (day/month/year)

Date of written disclosure referring to non-written disclosure (day/month/year)